

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANA NIECKOWSKI	:	
	:	
	:	CIVIL ACTION
	:	
vs.	:	JURY TRIAL DEMANDED
	:	
CATHERINE WOO RYANG KIM	:	
	:	NO: 02-CV-3147

**ANSWER OF DEFENDANT, CATHERINE WOO RYANG KIM,
TO PLAINTIFF'S COMPLAINT WITH AFFIRMATIVE DEFENSES**

1. Admitted that plaintiff Jana Nieckowski is an adult individual; otherwise denied.
2. Admitted in part and denied in part. It is admitted that Defendant Catherine Woo Ryang Kim is an adult individual. It is denied that Defendant Kim is a citizen of the State of Pennsylvania. Defendant Kim is a citizen of Maryland, residing at 433 Clayhall Street, Gaithersburg, Maryland 20878.
3. Admitted upon information and belief that there is complete diversity of citizenship. Denied that the amount in controversy exceeds the sum of \$75,000.
4. Admitted in part and denied in part. It is admitted that the accident in question occurred in Montgomery County and that venue is appropriate in the United States District Court for the Eastern District of Pennsylvania if this Court has subject matter jurisdiction. To the extent this paragraph incorporates the description of the accident as set forth in the Complaint, that description is denied.

COUNT I

In response to Plaintiff's Count I, Defendant incorporates by reference her responses to paragraphs 1 through 4, above, as though fully set forth at length herein.

5. Admitted only that on or about the stated date, place and time, a vehicle operated by Defendant Catherine Woo Ryang Kim made minor contact with the rear of the vehicle occupied by Plaintiff Jana Nieckowski. All other allegations of this paragraph are denied.

6. Admitted.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

WHEREFORE, Defendant Catherine Woo Ryang Kim demands judgment in her favor, and against Plaintiff Jana Nieckowski.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to set forth a cause of action against Defendant upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claim is barred by the applicable Statue of Limitations.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claim is barred and/or limited by the provisions of the Pennsylvania Motor Vehicle Responsibility Law ("MVFRL"), including, but not limited to, the limited tort threshold.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred and/or limited by Plaintiff's own comparative negligence and/or assumption of the risk.

SIXTH AFFIRMATIVE DEFENSE

Any damages and/or injuries alleged by Plaintiff, if proven, were pre-existing and not proximately caused by the accident alleged in Plaintiff's Complaint.

SEVENTH AFFIRMATIVE DEFENSE

Any claims for economic losses are barred and/or limited by the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

WHEREFORE, Defendant Catherine Woo Ryang Kim demands judgment in her favor, and against Plaintiff Jana Nieckowski.

BRITT, HANKINS, SCHAIBLE & MOUGHAN

BY: _____
Teresa Ficken Sachs (Atty. I.D. No. 41136)
Attorneys for Defendant

Suite 515, Two Penn Center Plaza
15th & JFK Boulevard
Philadelphia, PA 19102
215-569-6900

Date: _____

CERTIFICATE OF SERVICE

I certify that a copy of Defendant's Answer to Plaintiff's Complaint with Affirmative Defenses was mailed this day by regular U.S. mail to the below listed counsel:

Donald M. Soloff, Esquire
Law Offices of Soloff & Zervanos
1525 Locust Street, 8th Floor
Philadelphia, PA 19102

Teresa Ficken Sachs

Date: _____